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Application No.: 10/786217
Docket No.: CL1375USCNT

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REMARKS

In the claims:

Claims 1 and 10 have been amended to replace "mineral filler" with "calcium carbonate or titanium dioxide" and to replace "saturated organic acid" with "saturated fatty acid". Basis for these amendments were original claims 6, 9, 14 and 16. Claim 10 has also been amended to correct typographical errors.

Claims 1 and 10 have also been amended to recite that the composition contains "one or more polyamides" rather than "nylon 6 or nylon 6,6 or a mixture thereof". Basis for this change is found at p. 4, lines 6-9.

Claims 2, 3, 5, 7, 8 and 15 have been amended to bring them into conformance with claim 1 or 10.

Claims 6, 9, 14, 16 and 17 have been deleted as superfluous.

Applicants thank the Examiner for her detailed response to their previous arguments.

Claims 1-17 remain rejected under 35 U.S.C. 103(a) as obvious over Metzenmacher et al (US5827906, herein '906) in view of Williams (GB2301105, herein GB) and further in view of Hyde (US4399246). Applicants traverse for the following reasons.

The Examiner responded by stating that the unexpected results were not established for the broad range of fillers and saturated organic acids claimed. While not necessarily agreeing with the Examiner, Applicants to advance prosecution have limited their fillers to calcium carbonate and titanium dioxide, both exemplified in the application. With regard to the saturated organic acids, Applicants have limited them to saturated fatty acids, and believe that stearic acid would be considered a prototypical saturated fatty acid by those skilled in the art.

Insofar as the criticality of the particle size is concerned, Applicants do not necessarily believe this limit is "critical" but is more of a practical limitation for attaining the desired properties.

The Examiner states that Applicants comparative Examples are not commensurate with '906's closest art, namely do not contain a polysiloxane. It is

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pointed out that polysiloxane is an optional ingredient in '906's composition (see col. 2, lines 20-22), and that '906 contains examples in which polysiloxane is not used with a fatty acid, see Example 1 for instance. Since the present claims do not require the presence of polysiloxanes, Applicants believe the case where they are not used in '906 is the closest prior art, and such comparative examples are present in the instant application.

Given the above arguments Applicants believe they have demonstrated that their compositions have an unexpected advantage over compositions containing fillers not coated with the saturated fatty acids.

It is also pointed out that '906 and GB have much less "relationship" to the present claims. Both of these references deal with making polymer compositions more flame retardant, and use as fillers materials known to give off water at high temperatures, such as aluminum hydroxide or magnesium hydroxide. The presently claimed fillers cannot give off water when heated and are not particularly renowned for their ability to reduce flammability (although in certain compositions, as with other fillers, they may improve reduce flammability somewhat). Thus one desiring to make a polyamide compositions from a particulate filler which was tougher (and not necessarily more flammability resistant) would have no reason to particularly pay attention to '906 and GB, any more than they would pay attention to any general literature concerning the toughness of filled polyamide compositions. It is also noted that neither '906 or GB actually mentions polyamide composition toughness.

For the above reasons, it is believed this rejection is overcome.

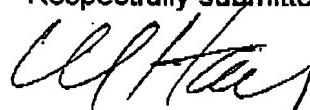
Applicants' representative has been advised of an error in wording, at page 16 lines 4-10 of the specification and in Table 7. There is a reference to "Magnifin H-51V" which according to the manufacturer's website is coated with an aminopolysiloxane, not a fatty acid. However the beginning sentence of the section under "Examples 20-25" reads that two grades of Magnifin® fatty acid magnesium hydroxide were used. Applicants' representative is advised that the Magnifin® H-10C is, as the examples state, coated with a fatty acid composition. Applicants wish to bring this matter to the Examiner's attention, and are willing to enter corrections if desired.

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In view of the foregoing, allowance of the above-referenced application is respectfully requested.

Respectfully submitted,



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